

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Scott Chandler

v.

Civil No. 12-cv-121-JD

Social Security Administration

O R D E R

Proceeding pro se and in forma pauperis, Scott Chandler has filed a complaint (doc. no. 1) against the Social Security Administration, challenging the decision to deny his claim for social security disability insurance. His complaint is before the court to determine whether it states a claim upon which relief may be granted. See 28 U.S.C. § 1915(e)(2); United States District Court District of New Hampshire Local Rule ("LR") 4.3(d)(1)(B).

Discussion

The Social Security Act, 42 U.S.C. § 405(g), provides for judicial review of a "final decision" of the SSA:

Any individual, after any final decision of the Commissioner of Social Security made after a hearing to which he was a party, irrespective of the amount in controversy, may obtain a review of such decision by a civil action commenced within sixty days after the mailing to him of notice of such decision or within such further time as the Commissioner of Social Security may allow....

In his complaint, Chandler alleges that, on January 24, 2012, the Office of Disability Adjudication and Review ("DAR") denied his request for benefits. It is unclear from Chandler's complaint whether the January 24, 2012, DAR decision constitutes a final decision of the Commissioner of the SSA. It may have been a decision of the Decision Review Board, see 20 C.F.R. §§ 405.401-450, or it may have been a decision by the Appeals Council, see 20 C.F.R. §§ 404.970-981. In either case, the complaint's allegation that "said relief was denied" does not clearly indicate that Chandler has exhausted his administrative remedies, as is required to obtain federal court review. See id. §§ 404.981; 405.450; 422.210; see also Wilson v. Sec'y HHS, 671 F.2d 673, 677 (1st Cir. 1982).

Conclusion

Pursuant to this court's authority, see LR 4.3(d)(1)(B), the court will provide Chandler an opportunity to amend his complaint to clarify whether the DAR decision was a final decision of the SSA. Chandler is directed to file an amended complaint, within 30 days of the date of this Order, to show that he has received a final decision of the Commissioner of the SSA on his claim for benefits. To comply with this order, Chandler may provide copies of the ALJ's decision denying his

claim for benefits, his request, if any, for review by the Appeals Council, and a copy of the January 24, 2012 decision. Upon receipt of Chandler's response to this order, the court will determine whether the case may proceed.

SO ORDERED.



Landya McCafferty
United States Magistrate Judge

July 5, 2012

cc: Scott Chandler, pro se

LBM:jkc